

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANCE ADAM GOLDMAN,

Plaintiff,

Case No. 1:16-cv-359

v.

Honorable Robert Holmes Bell

KALAMAZOO COUNTY JAIL et al.,

Defendants.

ORDER FOR SERVICE OF THE AMENDED COMPLAINT

This is a prisoner civil rights action. In an opinion and order issued on June 8, 2016, the Court dismissed the Kalamazoo County Jail for failure to state a claim and ordered service of the complaint as to Defendant Niceswander. Plaintiff subsequently filed a motion for reconsideration and to amend the complaint (ECF. No. 9). The Court granted Plaintiff's motion to amend and directed him to file an amended complaint within 28 days. After being granted an extension of time, Plaintiff filed his amended complaint (ECF No. 18) on September 7, 2016.

The Court has conducted an initial review of the amended complaint pursuant to 28 U.S.C. §1915(e), §1915A and 42 U.S.C. § 1997e(c), to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant that is immune from such relief. Upon initial review, the Court concludes that the amended complaint is not subject to dismissal for any of the reasons listed above.

Plaintiff moves for reconsideration of the Court's June 8 order of partial dismissal with regard to Defendant "Kalamazoo County." However, Plaintiff named "Kalamazoo County

Jail,” not “Kalamazoo County,” in the original complaint and only “Kalamazoo County Jail” was dismissed by the Court’s June 8 order. By including “Kalamazoo County” in his amended complaint, the County is now a Defendant in this action. Consequently, Plaintiff’s motion for reconsideration will be denied as moot. Therefore:

IT IS ORDERED that Plaintiff’s motion for reconsideration (ECF No. 9) is DENIED as moot.

IT IS ORDERED that the Clerk shall forward the amended complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants Kalamazoo County, Richard Fuller, (unknown) Mitchell, (unknown) Skinner, and (unknown) Mezsets in the manner prescribed by Fed. R. Civ. P. 4(d)(2).¹ If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendants shall reply to the amended complaint by way of answer, motion to dismiss, or motion for summary judgment within the time allowed by law. *See* 42 U.S.C. § 1997e(g)(2).

Dated: October 11, 2016

/s/ Ray Kent
RAY KENT
United States Magistrate Judge

¹The Court lacks sufficient information at this time to effect service upon Unknown Parties #1-4.